

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

Project Nos. 2082-063 and 14803-001 – Oregon  
and California  
Klamath and Lower Klamath Projects  
PacifiCorp and Klamath River Renewal  
Corporation

April 26, 2021

VIA FERC Service

Ms. Sarah Kamman  
Vice President and General Counsel  
PacifiCorp  
825 NE Multnomah Street, Suite 2000  
Portland, OR 97232

Mr. Mark Bransom  
Chief Executive Officer  
Klamath River Renewal Corporation  
2001 Addison Street, Suite 317  
Berkeley, CA 94704

**Reference: Additional Information Request**

Dear Ms. Kamman and Mr. Bransom:

We are in the process of reviewing the amended surrender application for the Lower Klamath Project No. 14803 filed on November 17, 2020, and supplemented on February 26 and March 22, 2021. To support and assist our environmental review, we will be initiating a public scoping process soliciting comments to ensure that all pertinent issues are identified and analyzed.

Please provide the additional information requested in Schedule A within 30 days from the date of this letter. If the correction of any deficiency or requested information causes another part of the application to be inaccurate, that part must be revised and refiled by the due date. Also, please be aware that further requests for additional information may be sent to you at any time before final action on the application.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at

<https://ferconline.ferc.gov/FERCOOnline.aspx>. For assistance, please contact FERC Online Support at [FERCOOnlineSupport@ferc.gov](mailto:FERCOOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, D.C. 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket numbers P-2082-063 and P-14803-001.

If you have any questions regarding this letter, please contact Diana Shannon at (202) 502-6136 or via email at [diana.shannon@ferc.gov](mailto:diana.shannon@ferc.gov).

Sincerely,



Kim A. Nguyen, Chief  
Environmental and Project Review Branch  
Division of Hydropower Administration  
and Compliance

Enclosure: Schedule A—Request for Additional Information

## REQUEST FOR ADDITIONAL INFORMATION

### Terrestrial Resources

1. The Reservoir Area Management Plan states monitoring of vegetation establishment would be conducted in permanent plots randomly located with the reservoir footprints and stratified by landform (riparian or upland) and treatment (i.e., seeded only, planted and seeded, or unmanaged). The management plan also provides success criteria for metrics, including species richness, tree and shrub density, and invasive exotic vegetation relative frequency. However, the management plan does not specify the anticipated acreage of each landform/treatment class at each reservoir or whether replicate sample plots would be located within each landform/treatment class and, if so, how many study plots would be located at each reservoir restoration area. Additionally, the management plan does not discuss data analysis methodology. Footnote 2 in Table 6-5 states that if monitoring success criteria are achieved in one geographic area based on the Criteria Met description, the area will be recommended for removal from further monitoring activities. However, in this context, it is not clear whether “geographic area” refers to a specific landform/treatment class, an entire reservoir, or a study plot. It is not clear whether success criteria would be evaluated for each landform/treatment class, pooled and evaluated for each reservoir, or evaluated across reservoirs for the entire project for each metric (e.g. species richness, tree and shrub density, and invasive exotic vegetation relative frequency). Finally, it is not clear whether data collection would be discontinued for each metric as success criteria are met or if vegetation monitoring would continue for all metrics until all success criteria are met for each metric (e.g., what would occur if success criteria for species richness alone were met in year 1 but not met in year 2).

To address these concerns, please provide: (1) additional detail on the number of study plots planned for each reservoir by landform/treatment class and the total area of each landform/treatment class anticipated at each reservoir; and (2) methods for data analysis and determination of restoration success.

### Cultural Resources

2. PacifiCorp’s 2006 draft Historic Properties Management Plan (2006 HPMP) prepared as part of the license application, filed on March 27, 2006, provides recommendations of National Register of Historic Places (National Register) eligibility for resources located within the Area of Potential Effects (APE). Some of the sites in Table 5.3.4 of the 2006 HPMP are recommended as eligible for listing on the National Register (e.g., Sites 35KL0013, 35KL0014, et.al.); however, Table 3-4 of the 2021 draft HPMP filed with the Amended Surrender Application (2021 HPMP) indicates that these same sites remain “unevaluated.” Section 3.2.1 (page 48) of the 2021 HPMP further states that neither the California nor the Oregon State Historic Preservation Officer (SHPO) has concurred with the National Register evaluations offered in the PacifiCorp

## Schedule A

Final Technical Report (PacifiCorp 2004, 2006). Appendix E, *Correspondence on the HPMP*, of the 2021 HPMP and Attachment C, *Consultation Record*, of your March 22, 2021 filing regarding the status of your informal consultations also do not indicate whether the 2021 HPMP has been reviewed by either the Oregon or California SHPOs.

Please provide an update on your consultation with the Oregon and California SHPOs regarding the recommendations for National Register eligibility and if the SHPOs have reviewed the draft 2021 HPMP. If the SHPOs have reviewed the document, please provide copies of their comments.

3. The 2021 HPMP uses several terms to describe various areas in the vicinity of the Lower Klamath River Project. These include a preliminary APE, the project boundary, the Area of Direct Impacts (ADI), and the Project Limits of Work and Access (LOW). Additionally, "Parcel B" lands are identified as those that would ultimately be transferred to the State of Oregon, the State of California, or a third party following completion of license surrender conditions. Table 3-4 of the 2021 HPMP identifies all recorded sites within the ADI. However, there are some inconsistencies in this table that need to be clarified. For example, section 1, page 1 of the HPMP overview states that the "ADI is defined as those areas within the APE that correspond geographically to the project's Limits of Work (LOW), or physical extent of on-the-ground construction activities" associated with the license surrender. However, several sites in the ADI table are identified as not within the LOW. It is not clear how these sites could be located within the "ADI" but not located within the "LOW." Additionally, it is not clear from the table if all the sites within the project boundary for the Lower Klamath Project are also located within the ADI.

Please revise Table 3-4 to include: (1) all identified archaeological sites at the project and their locations relative to the APE, the project boundary, the ADI/LOW, and Parcel B lands; (2) whether each resource is a prehistoric, multi-component, or historic-period site; (3) whether each site is located on licensee, private, state, federal, or other lands; (4) any National Register recommendations and/or determinations for each site (including clarification of any recommendations provided in the 2006 HPMP) and identification of all sites that will be subject to the 2021 Phase II archaeological investigations; (5) a brief description of known and potential project effects to each specific resource (including any still-pertinent effects noted in the 2006 HPMP and any potential effects on historic properties as a result of downstream sediment transport associated with facility removal); and (6) whether those specific effects are currently addressed in the 2021 HPMP. Include maps, filed as "Privileged", that identify all archaeological sites at the project and their location relative to the ADI/LOW, and labeling those sites that are subject to the 2021 Phase II archaeological investigations.

4. The regulations implementing section 106 of the National Historic Preservation Act state that the "transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term

preservation of the property's historic significance may constitute an adverse effect" (36 Code of Federal Regulations 800.5[2][vii]). Exhibit E, Section 4.11.6 of the Amended Surrender Application also acknowledges that "land easement and transfer" can result in adverse effects to historic properties. In the revised Table 3-4 requested above, please also describe the preservation/management measures (if any) for all sites that are located within the current project boundary, including, but not limited to, Parcel B lands that would ultimately be transferred to non-federal ownership/oversight. Please provide any documentation of consultation with the Oregon and California SHPOs in this regard.

5. The 2021 HPMP identifies four tasks that are anticipated to be completed in 2021 including: (1) continued consultation with participating tribes on the ethnographic summary; (2) identification of proposed treatment measures for Traditional Cultural Properties; (3) completion of Phase II archaeological studies; and (4) the identification of project effects on eligible resources. However, in a letter dated September 23, 2020, and filed with the 2021 HPMP, the California SHPO indicated that it was withholding its comments on the *Lower Klamath Project Phase II Archaeological Research Design and Testing Plan* (AECOM, July 2020) until consultation on the plan, including tribal consultation, had been completed. We have been unable to locate any subsequent documentation of SHPO approval or tribal consultation regarding the Phase II plan or the other pending tasks. Please provide documentation of any additional consultation regarding these tasks. Additionally, please provide a detailed schedule for completion of the four tasks, including a schedule for any outstanding SHPO and tribal consultation.

### **Literature Cited**

AECOM (AECOM Technical Services, Inc.) 2020. Lower Klamath Project Phase II Archaeological Research Design and Testing Plan. Prepared for Klamath Renewable Corporation, AECOM, Portland, Oregon.